

FILED
DEBRA VAN PELT
ISLAND COUNTY CLERK

2021 APR -6 PM 1:46

21-2-00115-15

CMP

Complaint

10068768



SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF ISLAND

KELLY THOMAS, individually,

Plaintiff,

vs.

WALMART, INC., a foreign corporation,

Defendant.

NO. 21 2 001 15 15

COMPLAINT FOR DAMAGES

COMES NOW Plaintiff, by and through her attorney of record, Jonathan S. Burr with Washington Law Center, and for claims against the Defendant, alleges upon personal knowledge as to herself and her own actions, and upon information and belief upon all other matters, as follows:

I. PARTIES AND JURISDICTION

1.1 Plaintiff is a resident of Island County, Washington.

1.2 Defendant Walmart, Inc. is a foreign, for profit corporation based in the state of Delaware and doing business in Island County, Washington.

1.3 The above-entitled Court has jurisdiction over the parties and subject matter of the above-entitled cause of action and venue is proper in Island County, Washington.

COMPLAINT FOR DAMAGES
PAGE 1

WASHINGTON LAW CENTER
15 Oregon Ave., Suite 210
Tacoma, WA 98409
(253) 476-2653 | (253) 476-2298 fax

II. FACTS

2.1 On or about April 21, 2019, Plaintiff Kelly Thomas visited the Walmart store located at 1250 SW Erie St, Oak Harbor, WA 98277 as an invitee.

2.2 Although Plaintiff was a Walmart employee, the Defendant has argued she was a customer because she was not scheduled to work on April 21, 2019.

2.3 At all times material hereto, at approximately 10:30 a.m., Plaintiff drove her vehicle to the Walmart store, parked in their parking lot, exited her vehicle, and entered the Walmart store.

2.4 At all times material hereto, Plaintiff entered the Walmart store personnel office to deliver a doctor's note for the benefit of a co-worker and for the benefit of the personnel managers to adjust shift schedules.

2.5 Upon exiting the personnel office, Plaintiff slipped on spilled water in the hallway and fell to the ground.

2.6 On the aforementioned day and time, the hallway outside the personnel office was cluttered with merchandise and the water on the ground was not readily visible. The aforementioned hallway was regularly cluttered, was a problem known by management, and no efforts had been made to remove the clutter on or before said date.

2.7 As the property owners and property management company, defendants were required to maintain a safe premises to walk for customers and employees, as well as to address problem areas that could possibly cause risk and/or injury to the public.

2.8 Plaintiff incurred medical expenses, including surgery costs, loss of wages/income and general damages.

III. CAUSES OF ACTION

3.1 Negligence: Defendant was responsible for maintaining the building and/or premises of the Walmart store to ensure the safety of the public and to exclude possible injury to the public. Such breach was a direct proximate cause of injury to Ms. Thomas.

3.2 Premises Liability: Defendant owed a duty to Ms. Thomas to inspect the premises for unsafe conditions and/or safety defects and protect her from foreseeable harm and failed to do so. Such a breach was a direct and proximate cause of injury to Ms. Thomas.

IV. DAMAGES

4.1 Plaintiff suffered conscious pain and suffering and mental anguish, as well as physical disability and permanent injuries, the extent of which is now unknown but will be proven at time of trial.

4.2 Plaintiff also claims damages for loss of enjoyment of life, emotional distress, anguish, mental and emotional shock and other special damages presently unknown.


4.3 As a direct and proximate result of the Defendant's actions, omissions and negligence, Plaintiff has suffered pecuniary loss and other general and special damages that will be proven at the time of trial.

V. PRAYER FOR RELIEF

WHEREFORE Plaintiff, having set forth her cause of action herein against Defendant, prays for judgment against Defendant for general and special damages in the amounts as shall be proven at trial, for reasonable attorney's fees in accordance with the law, and otherwise, for Plaintiff's costs and disbursements herein incurred, and for such other and further relief as the Court may deem just and equitable under the circumstances.

1 DATED this 5th day of April 2021.

2 WASHINGTON LAW CENTER

3 

4 Jonathan S. Burr, WSBA No. 43615
5 Attorney for Plaintiff


1 CERTIFICATION OF SERVICE:

2 I hereby declare under penalty of perjury under the laws of the State of Washington that on the date
3 indicated below, I caused to be served true and correct copies of the COMPLAINT FOR DAMAGES
4 to the parties and/or their counsel of record listed below, via the method indicated:

<p>5 ORIGINAL TO: Island County Clerk Island County Superior Court PO Box 5000 Coupeville, WA 98239</p>	<p><input type="checkbox"/> First Class Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-File</p>
<p>7 Douglas E. Watson, atty Cummins Goodman Denley & Vickers PC PO Box 609 Newberg, OR 97132-0609</p>	<p>8 <input checked="" type="checkbox"/> First Class Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Facsimile 9 <input type="checkbox"/> E-File</p>

10 DATED this Tuesday, April 6, 2021, at Tukwila, Washington

11 WASHINGTON LAW CENTER

12 

13 Iaunia Taylor, Paralegal
14 Washington Law Center
15 651 Strander Blvd Building B, Suite 215
16 Tukwila, WA 98188
17 iaunia@washingtonlawcenter.com